

THURSDAY, APRIL 3, 1997

TWENTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dennis Crowter, Church of Christ, Jackson Street, Nashville, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 383: Rep(s). Eckles as prime sponsor(s).

House Bill No. 892: Rep(s). Langster as prime sponsor(s).

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House Bill No. 1725: Rep(s). Bowers as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Lewis was/were removed as sponsor(s) of **House Bill No. 830**.

**MESSAGE FROM THE SENATE
April 3, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 531; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 3, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 144; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 144 -- Memorials, Sports - Kirk Haston, 1997 TSSAA Class A "Mr. Basketball." by *Springer.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 154** -- General Assembly, Studies - Creates special joint study committee to study use of and recommendations for selection of certain textbooks in Tennessee schools. by *DeBerry L.

Education Committee

***House Joint Resolution No. 155** -- Memorials, Congress - Urges enactment of legislation to facilitate rapid review and approval of innovative new drugs, biological products and medical devices, without compromising patient safety or product effectiveness. by *DeBerry L.

Health & Human Resources Committee

House Joint Resolution No. 158 -- Naming and Designating - "Ramp Festival Day," May 4, 1997, by *Davis R.

Calendar and Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 7, 1997:

House Joint Resolution No. 162 -- Memorials, Sports - 1996-1997 Cosby High School boys' basketball team, TSSAA Class A state tournament participant. by *Davis R.

House Joint Resolution No. 163 -- Memorials, Public Service - John and Hilda Vaughn, 30th year anniversary, Graymere Church of Christ. by *Sands.

House Joint Resolution No. 164 -- Memorials, Professional Achievement - Willie Baker, 1997 Recognition Award, MTSU African American History Month Committee. by *Sands.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 7, 1997:

Senate Joint Resolution No. 144 -- Memorials, Sports - Kirk Haston, 1997 TSSAA Class A "Mr. Basketball." by *Springer.

Senate Joint Resolution No. 145 -- Memorials, Sports - Coach Jill Prudden, Oak Ridge High School girls' basketball team. by *McNally, *Davis L.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 122** -- Highway Signs - "Music Highway," I-40, Davidson County to Mississippi. by *Cohen, *Carter. (HB870)

***Senate Bill No. 521** -- Managed Care Organizations - Authorizes non-profit HMO created prior to 1/1/81 by Blue Cross/Blue Shield to be treated as subsidiary of Blue Cross solely to determine status of HMO as admitted asset, provided Blue Cross has net worth at least equal to capital and surplus requirements of law for insurance company. Amends TCA Title 56, Chapter 2. by *Rochelle. (HB1271)

***Senate Bill No. 529** -- Domestic Violence - Requires valid orders of protection relating to domestic violence issued in another state be given full faith and credit for enforcement purposes by the courts of this state; provides procedure for filing foreign order with court clerk in this state Amends TCA Title 36, Chapter 3, Part 6. by *Burks, *Kurita, *Harper, *Springer, *Carter, *Cohen, *Davis L, *Dixon, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kyle, *Miller J, *Person, *Womack. (HB788)

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***Senate Bill No. 834** -- Insurance, Health, Accident - Requires coverage of certain drugs by insurance policy or contract providing drug coverage. Amends TCA Title 56, by *Cooper, *McNally, *Cohen, *Crutchfield, *Dixon, *Haun, *Miller J, *Rochelle, *Springer. (HB772)

***Senate Bill No. 1047** -- Business and Commerce - Sets procedures for dealers in surplus or used business commodities. Amends TCA Title 62, by *Womack, *Dixon. (HB699)

Senate Bill No. 1182 -- Hospitals and Health Care Facilities - Establishes one-year moratorium on expansion of non-residential methadone treatment facilities; creates special legislative committee to perform comprehensive analysis of methadone. Amends TCA Title 68, Chapter 11, by *Ramsey, *Gilbert, *Crowe, *McNally, *Atchley, *Haun. (*HB653)

Senate Bill No. 1187 -- Children - Authorizes judge to require noncustodial parent of child to contribute to maintenance and support of custodial parent if custodial parent is a minor. Amends TCA Title 36, Chapter 2 and Section 36-5-102, by *Ramsey, *Leatherwood, *Cohen, *Fowler, *Williams. (*HB514)

***Senate Bill No. 1192** -- Highways, Roads and Bridges - Requires county road superintendent to submit list of all county roads before county legislative body classifies road. Amends TCA Title 54, Chapter 10, Part 1, by *Henry. (HB1442)

Senate Bill No. 1310 -- Emergency Communications Districts - Authorizes districts to require assignment and posting of property numbers. Amends TCA Title 7, Chapter 86, by *Burks. (*HB382)

***Senate Bill No. 1340** -- Public Records - Makes confidential ambulance records pertaining to a response by an ambulance service or invalid vehicle operator during which time patient evaluated, treated, or transported. Amends TCA Title 68, Chapter 140, Part 5, by *Cooper, *Ramsey, *Crutchfield. (HB767)

Senate Bill No. 1665 -- Education - Sets November 1, 1996, instead of July 1, 1996, as new effective date for application of teacher effects testing data to Sander's model annual estimates on student progress in Grades 3 -- 8. Amends TCA Section 49-1-606, by *Leatherwood, *Elsea, *McNally, *Atchley, *Person, *Gilbert, *Jordan, *Koella, *Haun, *Carter, *Ramsey, *Miller J, *Fowler. (*HB1258)

***Senate Bill No. 1699** -- Insurance, Health, Accident - Enacts "Tennessee Health Insurance Portability, Availability and Renewability Act." Amends TCA Title 56, Chapter 7, by *Fowler, *McNally, *Atchley, *Elsea, *Person, *Gilbert, *Leatherwood, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Dixon. (HB1825)

***Senate Bill No. 1754** -- Corporations - Removes limit of five assumed names that corporation may use. Amends TCA Title 48, Chapter 14, by *Kyle. (HB1769)

***Senate Bill No. 1766** -- Sports - Prohibits amateur boxing unless amateur is registered with USABF or comparable recognized organization; permits amateur contests also if no prize received by contestant. Amends TCA Title 68, Chapter 115, by *Cooper. (HB1655)

***Senate Bill No. 1860** -- Planning, Public - Empowers chief legislative body in Lakeland to appoint and remove municipal planning commission members. Amends TCA Section 13-4-101. by *Leatherwood. (HB1947)

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 3, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 7, 1997**: House Bill(s) No(s).1099 and 514.

The Committee set the following bill(s) on the **Regular Calendar** for **April 9, 1997**: House Bill(s) No(s). 1111, 1340 and 584.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 7, 1997**: House Bill(s) No(s).1271, Senate Joint Resolution(s) No(s).112 122 and House Joint Resolution(s) No(s).73.

CONSENT CALENDAR

House Resolution No. 49 -- Memorials, Personal Occasion - Granny Lynn Plemons, 90th birthday. by *Ferguson.

House Resolution No. 50 -- Memorials, Professional Achievement - Bob's Burgers, tenth anniversary. by *Ferguson.

House Resolution No. 51 -- Memorials, Public Service - Tanger Outlet Center employees, Community service. by *Huskey.

House Joint Resolution No. 150 -- Memorials, Sports - 1996-1997 Perry County High School boys' basketball team, TSSAA Class A state champions. by *Tidwell.

House Joint Resolution No. 151 -- Memorials, Public Service - James Ron Lane, WRJB-Super 98. by *Tidwell.

House Joint Resolution No. 153 -- Memorials, Sports - Larry Looper, Head Coach, Livingston Academy girls' basketball team. by *Windle.

House Joint Resolution No. 156 -- Memorials, Professional Achievement - Wendy Moten, R&B Singing Sensation. by *DeBerry L.

House Joint Resolution No. 157 -- Memorials, Recognition and Thanks - Henry D. Wattenbarger. by *Ferguson.

House Joint Resolution No. 159 -- Memorials, Personal Occasion - Mr. and Mrs. Joe Perry, 50th wedding anniversary. by *Beavers, *Bone.

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House Joint Resolution No. 161 -- Memorials, Personal Occasion - Kingston Lions Club, 50th Anniversary. by *Ferguson.

Rep. Ferguson moved that all members voting aye on **House Resolution No. 49** be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1655 -- Sports - Prohibits amateur boxing unless amateur is registered with USABF or comparable recognized organization; permits amateur contests also if no prize received by contestant. Amends TCA Title 68, Chapter 115. by *Rhinehart, *Curtiss. (*SB1766 by *Cooper)

On motion, House Bill No. 1655 was made to conform with **Senate Bill No. 1766**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 1766** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford,

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Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Buck -- 1.

A motion to reconsider was tabled.

***House Bill No. 1725** -- Alcoholic Beverages - Permits bed and breakfast establishments in arts districts in four largest cities to obtain liquor by the drink license. Amends TCA Section 57-4-102. by *Rhinehart. (SB1813 by *Crutchfield)

Rep. Rhinehart moved that House Bill No. 1725 be passed on third and final consideration.

Rep. Hargett moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1725 by deleting the period at the end of the second paragraph of the amendatory language in Section 1 and adding the following language:

but shall not apply in any municipality in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census.

Rep. U. Jones requested that Amendment No. 1 be moved to the heel of the Calendar.

Rep. Dunn moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1725 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than three hundred thirty-five thousand (335,000) nor more than three hundred thirty-six thousand (336,000) according to the 1990 federal census or any subsequent federal census.

Rep. Armstrong requested that Amendment No. 2 be moved to the heel of the Calendar.

Rep. Rhinehart requested that House Bill No. 1725 be moved down 5 places on the Calendar.

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House Bill No. 1000 -- Municipal Government - Makes new municipal incorporation effective July 1 for purpose of distributing site based state shared taxes; revises timing of elections to incorporate new municipalities. Amends TCA Title 6, Chapter 1, Part 2; Title 6, Chapter 18, Part 1 and Title 6, Chapter 30, Part 1. by *Rinks, *Walley. (*SB1191 by *Ramsey, *Wilder)

Further consideration of House Bill No. 1000, previously considered on March 20, 1997 and March 27, 1997, and reset to today's Calendar.

On motion, House Bill No. 1000 was made to conform with **Senate Bill No. 1191**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 1191, be passed on third and final consideration.

Rep. Rinks moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1191 by deleting Section 7 and substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 6-1-201(a)(1), is amended by deleting the language "one thousand five hundred (1,500)" and replacing it with "two hundred twenty-five (225)".

SECTION 8. Tennessee Code Annotated, Section 6-1-201(b), is amended by deleting Subdivision (1).

SECTION 9. Tennessee Code Annotated, Section 6-1-201, is amended by deleting subsection (h) and substituting instead the following:

Notwithstanding the requirements of this section, or §§ 6-1-202, 6-1-203, and 6-1-209, or any other provision of law to the contrary, a petition for incorporation may consist of a letter from a resident of the territory desiring to incorporate to the county election commission requesting that the question of incorporating the territory be placed on the ballot. The letter shall describe the exact boundaries of the proposed municipality and indicate the name of the proposed municipality. The letter shall be treated as a petition meeting all the requirements of law if such petition is filed with the county election commission before December 31, 1997.

SECTION 10. Tennessee Code Annotated, Section 6-1-201, is amended by adding the following new subsections:

(j) Any territory that has conducted an election under this section before the effective date of this act is deemed to have satisfied the requirements for incorporation under this chapter, including without limitation, any petition, time, notice and distance requirements of this

chapter; any action of such newly incorporated municipality in such territory is hereby validated, ratified and confirmed, and no additional election under subsection (a) need be held. In addition, any ordinance of annexation by another municipality for any territory within the corporate limits of such new municipality is void and of no effect.

(k) If a territory has proposed to be incorporated under the provisions of this section after January 1, 1996, the new municipality shall have priority over any annexation ordinance of an existing municipality which encroaches upon any territory of the new municipality.

SECTION 11. Sections 1 through 6 and Sections 9 and 10 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 7 and 8 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall remain in effect for one (1) year beyond that date, when the statutory language existing immediately before this act took effect is revived and reenacted.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Rinks moved that **Senate Bill No. 1191**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Phelan -- 1.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 830 -- Taxes, Real Property - Classifies golf course playing hole improvements as farm property for property tax purposes. Amends TCA Section 67-5-501. by *Rinks, *Cole (Dyer), *McDaniel, *Whitson, *Phelan, *Westmoreland, *Kisber, *Walker, *Davis R, *McKee, *Roach, *Huskey, *Head, *Williams (Williamson), *Lewis. (*SB450 by *Haynes)

Rep. Rinks moved that House Bill No. 830 be passed on third and final consideration.

Rep. Kisber moved the previous question, which motion prevailed.

Rep. Rinks moved that **House Bill No. 830** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	10
Present and not voting	6

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Arriola, Burchett, Caldwell, Dunn, Goins, Haley, Maddox, Pleasant, West, Windle -- 10.

Representatives present and not voting were: Beavers, Brooks, Davidson, Ferguson, Jackson, McDonald -- 6.

A motion to reconsider was tabled.

***House Bill No. 383** -- State Prisoners - Authorizes commissioner of correction to assess deductions from moneys made from sale of produced arts and crafts Amends TCA Title 41, Chapter 6. by *Hargrove. (SB1360 by *Rochelle)

Rep. Hargrove moved that House Bill No. 383 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 383 by adding the following new subsection (b) to Section 41-6-303 of the amendatory language of SECTION 1 and by relettering present subsection (b) accordingly:

(b) No inmate may accumulate more than five hundred dollars (\$500) in such inmate's personal trust account from arts and crafts sold pursuant to this part. Such five hundred dollar (\$500) limitation shall be cumulative and shall remain in effect for as long as such inmate is incarcerated. If funds remain from the sale of arts and crafts after the inmate's five hundred dollar (\$500) personal trust account limitation has been reached, such excess funds shall be distributed as provided in subsection (a)(1), (2) and (3) of this section.

On motion, Amendment No. 1 was adopted.

Rep. Miller moved the previous question, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 383**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 98.

A motion to reconsider was tabled.

House Bill No. 350 -- Public Records - Permits Madison County to sell public records with commercial value. by *Kisber, *McDaniel. (*SB250 by *Carter)

On motion, House Bill No. 350 was made to conform with **Senate Bill No. 250**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 250, be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 250 by adding to the amendatory language of Section 1 the following words and punctuation "; and to municipally-owned rate based utilities in counties having a population of not less than seventy-three thousand six hundred (73,600) nor more than seventy-three thousand nine hundred (73,900), according to the 1990 federal census or any subsequent federal census and in counties having a population of not less than two hundred eighty-five thousand (285,000) nor more than two hundred eighty-six thousand (286,000), according to the 1990 federal census or any subsequent federal census".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 250 by inserting in the amendatory language of Section 1, as amended, between the words "owned" and "utilities" the language "rate based".

AND FURTHER AMEND by deleting Section 2, as amended, in its entirety and renumbering the subsequent section accordingly.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **Senate Bill No. 250**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 892 -- Education - Reestablishes Tennessee model dropout prevention program in department of education. by *Jones U (Shelby), *Cooper B, *Bowers, *DeBerry J, *Brooks, *Pruitt, (*SB885 by *Harper)

Rep. U. Jones moved that **House Bill No. 892** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1725** -- Alcoholic Beverages - Permits bed and breakfast establishments in arts districts in four largest cities to obtain liquor by the drink license. Amends TCA Section 57-4-102. by *Rhinehart. (SB1813 by *Crutchfield)

Further consideration of House Bill No. 1725, previously considered on today's Calendar.

Rep. Rhinehart moved that House Bill No. 1725 be passed on third and final consideration.

Rep. Hargett moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Dunn moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1725 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ . The provisions of this act shall not apply in any county having a population of not less than three hundred thirty-five thousand (335,000) nor more than three hundred thirty-six thousand (336,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

The previous question was called, which motion prevailed by the following vote:

THURSDAY, APRIL 3, 1997 -- TWENTY-FIFTH LEGISLATIVE DAY

Ayes68
Noes23

Representatives voting aye were: Armstrong, Arriola, Bird, Bone, Boner, Bowers, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Gunnels, Hargrove, Hassell, Hicks, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Westmoreland, White, Whitson, Williams, Windle, Winningham -- 68.

Representatives voting no were: Beavers, Bittle, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Dunn, Fitzhugh, Godsey, Goins, Halteman-Harwell, Hood, McAfee, McDaniel, Mumpower, Ritchie, Sharp, Stamps, Walker, Walley, Wood -- 23.

Rep. Rhinehart moved that **House Bill No. 1725**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes47
Noes40
Present and not voting8

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry L., Eckles, Fraley, Givens, Gunnels, Hargrove, Hassell, Head, Hicks, Huskey, Kent, Kernell, Kisber, Langster, McKee, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Roach, Sands, Sargent, Scroggs, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Beavers, Boner, Buck, Burchett, Caldwell, Clabough, Cooper, Cross, Davidson, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Godsey, Goins, Haley, Hargett, Hood, Jackson, Kerr, Lewis, Maddox, McAfee, McDaniel, McDonald, Mumpower, Patton, Pinion, Pleasant, Ridgeway, Ritchie, Sharp, Tidwell, Walker, Walley, White, Windle, Winningham, Wood -- 40.

Representatives present and not voting were: Bird, Boyer, Brooks, Brown, Halteman-Harwell, Jones S., Stamps, Westmoreland -- 8.

Having failed to receive a constitutional majority, House Bill No. 1725 was re-referred to the Committee on Calendar and Rules.

House Bill No. 1464 -- Election Laws - Permits rearrangement of names on voting machine ballot so machine will accommodate entire ballot. Amends TCA Title 2, Chapter 5, Part 2. by *Jones U (Shelby), *DeBerry J, *Turner (Shelby), *Chumney, *Cooper B, *Towns, *Brooks. (*SB888 by *Dixon)

Rep. Kent moved that House Bill No(s). 1464 be reset for the Regular Calendar on Thursday, May 1, 1997, which motion prevailed.

***House Bill No. 1257** -- Unemployment Compensation - Moves wages of \$6,240.01 through \$6,266.00 with weekly benefit amount of \$240.00 into payment schedule table for benefit years before July 5, 1998 from payment schedule table for benefit years established on or after July 5, 1998. Amends TCA Section 50-7-301(b)(1). by *Ford S, *Davis R, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Newton, *Scroggs, *Godsey, *Goins, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1670 by *Williams, *Koella, *Elsea, *McNally, *Atchley, *Person, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Jordan, *Miller J, *Fowler)

On motion, House Bill No. 1257 was made to conform with **Senate Bill No. 1670**; the Senate Bill was substituted for the House Bill.

Rep. Ford moved that **Senate Bill No. 1670** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1268** -- Taxes, Excise - Revises "net earnings" calculation relative to excise tax liability. Amends TCA Section 67-4-805(b)(1)(D) and (2)(F). by *Wood, *Davis R, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Newton, *Scroggs, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1684 by *McNally, *Elsea, *Atchley, *Person, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J)

Rep. Wood moved that House Bill No. 1268 be passed on third and final consideration.

Rep. Kisber moved the previous question, which motion prevailed.

Rep. Wood moved that **House Bill No. 1268** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1280 -- Taxes, Sales - Exempts from increase in local option sales tax rate sales contractually committed before 7/1/96 in cities over 100,000 with higher rate than county Amends TCA Title 67, Chapter 6. by *Stulce, *Wood, *Sharp, *McAfee, *Brown, *Turner (Hamilton). (*SB1607 by *Crutchfield)

Rep. Stulce moved that House Bill No. 1280 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Stulce moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1280 by deleting from Section 1 the directory language and subsection (a) and substituting instead the following:

Tennessee Code Annotated, Title 67, Chapter 6, Part 7, is amended by adding the following as a new section:

(a) There shall be exempt from any increase in the local option portion of the sales and use tax imposed by this part all sales contractually committed and/or for which money has been paid before the effective date of the increase.

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved that **House Bill No. 1280**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1425 -- Judges and Chancellors - Provides that if charges against judge frivolous or unfounded, matter will be closed and docket will recite investigation and dismissal of groundless complaint. Amends TCA Section 17-5-305. by *Hassell, *Ford S. (*SB1028 by *Person)

Rep. Hassell moved that House Bill No. 1425 be passed on third and final consideration.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Hassell moved that **House Bill No. 1425** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	8
Present and not voting	1

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Armstrong, Bowers, Chumney, DeBerry L., Kisber, Phillips, Ritchie, Turner (Shelby) -- 8.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

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House Bill No. 409 -- Correction, Dept. of - Directs department to have each inmate undergo HIV testing during classification Amends TCA Title 41, Chapter 21, Part 1. by *Bowers, *Jones U (Shelby), *Miller L, *Cooper B, *Brooks, *Jones, S.. (*SB415 by *Dixon)

Rep. Bowers moved that House Bill No(s). 409 be reset for the Regular Calendar on Monday, April 7, 1997, which motion prevailed.

***House Bill No. 1246** -- Unemployment Compensation - Establishes for purposes of determining "employment unit," that if two or more related corporations, paying through "common paymaster," pay concurrently employed employee, each corporation only considered to have paid employee amounts actually disbursed by each respective corporation. Amends TCA Section 50-7-205. by *Beavers, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Kent, *Bird, *Clabough, *McKee, *Sargent, *Newton, *Scroggs, *Godsey, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1664 by *McNally, *Elsea, *Atchley, *Person, *Gilbert, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Jordan, *Miller J, *Fowler, *Dixon, *Crutchfield, *Cooper, *Graves)

On motion, House Bill No. 1246 was made to conform with **Senate Bill No. 1664**; the Senate Bill was substituted for the House Bill.

Rep. Beavers moved that **Senate Bill No. 1664** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1421** -- Food and Food Products - Places certain requirements on establishments which provide delivery services for food product. Amends TCA Title 68, Chapter 14. by *Kent. (SB1691 by *Leatherwood)

Rep. Kent moved that House Bill No. 1421 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1421 by deleting Sections 2 and 3 of the printed bill in their entirety and by substituting instead the following:

SECTION 2. For purposes of this act, the term "Quick Fast Food Establishment" means those food establishments which only prepare food to be eaten off premises and provides delivery services for such food but provide no set up, serving, or clean-up services.

SECTION 3.

(a) Every quick fast food establishment delivery vehicle, whether owned by such establishment or not, used in the delivery of such prepared food, shall be clearly marked with the name and/or logo of the quick fast food establishment.

(b) If the quick fast food establishment or one of its delivery employees has a reasonable belief that providing delivery services to an address would expose delivery personnel to a risk of harm the name or logo may be removed.

AND FURTHER AMEND by deleting Section 4(a) in its entirety and replacing it with the following:

All vehicles owned by a quick fast food establishment used in the delivery of its products must meet the requirements for proof of financial responsibility in accordance with Section 55-12-102(12)(C).

No employee shall be authorized to use such employee's personal vehicle unless the employee provides written proof of compliance with such financial responsibility requirements to the quick fast food establishment, unless such requirements are met by the employer to cover the employee's vehicle. Such written proof of compliance with the financial responsibility statute shall be presented at the time the person is hired to provide delivery services and at least quarterly thereafter while employed in such capacity.

AND FURTHER AMEND by deleting Section 4(b) in its entirety.

AND FURTHER AMEND by deleting Sections 5 and 7 in their entirety.

AND FURTHER AMEND by deleting in Section 6(a) the words "food service" wherever they appear and by substituting instead the words "quick fast food".

AND FURTHER AMEND by deleting in Section 6(b) the words and figures "five hundred dollars (\$500)" and by substituting instead the word and figures "two hundred fifty dollars (\$250)".

AND FURTHER AMEND by deleting the first sentence in Section 8.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 1421**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98

Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1366** -- Agriculture - Removes humane society members' authority to arrest and confiscate vehicles for alleged animal cruelty; requires agricultural extension agent or livestock specialist to examine any livestock alleged to have been abused prior to arrest of owner or confiscation of livestock Amends TCA Title 39, Chapter 14, Part 2. by *Davidson, *Head, *Phelan, *Givens, *Bone, *Curtiss, *McDonald, *Jackson, *Buck, *Sands, *McDaniel, *Fraley, *Tidwell, *White, *Fitzhugh, *Maddox, *Newton, *Walley. (SB1914 by *Burks)

Senate Amendment No. 4

AMEND House Bill No. 1366 by deleting from the new section added by House Amendment No. One, the following language:

() "Non-livestock animal" means a pet normally maintained in or near the household(s) of its owner(s) or other domesticated animal that is not classified as "livestock" pursuant to this part;

and by substituting instead the following language:

() "Non-livestock animal" means a pet normally maintained in or near the household(s) of its owner(s), other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, a pet

chick, duck, or pot bellied pig that is not classified as "livestock" pursuant to this part;

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 1366.

Rep. McDaniel moved the previous question, which motion prevailed.

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1366**, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, Davidson, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: DeBerry L., Jones S., Tidwell, Tindell, West -- 5.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1373 -- Auctions and Auctioneers - Revises auctioneer licensing law Amends TCA Title 62, Chapter 19, Part 1. by *Pinion. (*SB1199 by *Ramsey)

Senate Amendment No. 2

AMEND House Bill No. 1373

Under this act continuing education will be six hours each renewal period.

Rep. Pinion moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1373**, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on April 7, 1997:

House Bill No. 1578: by Rep. Rinks

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on April 9, 1997:

House Bill No. 531: by Rep. Clabough

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 50: Rep(s). Windle as prime sponsor(s).

House Bill No. 597: Rep(s). Boner as prime sponsor(s).

House Bill No. 1055: Rep(s). Newton as prime sponsor(s).

House Bill No. 1221: Rep(s). Walker as prime sponsor(s).

House Bill No. 1286: Rep(s). Brown as prime sponsor(s).

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House Bill No. 1307: Rep(s). Hassell, Kerr, Cole (Dyer), Ford, Ritchie, Brown, Ridgeway, Beavers and Newton as prime sponsor(s).

House Bill No. 1504: Rep(s). Hood as prime sponsor(s).

House Bill No. 1553: Rep(s). Buck as prime sponsor(s).

ENROLLED BILLS

April 3, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 285, 344, 681, 825, 826, 1142, 1254 and 1261; House Joint Resolution(s) No(s). 32; also, House Resolution(s) No(s). 48.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 3, 1997

The Speaker signed the following: House Bill(s) No(s). 285, 344, 681, 825, 826, 1142, 1254 and 1261; House Joint Resolution(s) No(s). 32; also, House Resolution(s) No(s). 48.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 3, 1997

The Speaker signed the following: Senate Bill(s) No(s). 18, 306, 407, 1128, 1434, 1644 and 1647; also, Senate Joint Resolution(s) No(s). 151, 152, 123, 125, 127, 128, 131, 138, 143, 146 and 147.

ENGROSSED BILLS

April 3, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 157 and 161.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 3, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 151.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 151; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 175, 641, 1141 and 1566; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 133, 134, 135, 136, 138, 139, 140, 141, 143 and 144; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1654; also, Senate Joint Resolution(s) No(s). 133, 134, 135, 136 and 137 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 285, 344, 681, 825, 826, 1142, 1254 and 1261; also, House Joint Resolution(s) No(s). 32; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 157 and 161; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 231, 967, 1864, 1941, 1951 and 1954; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 3, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 77, 79, 84, 95, 559, 706, 1467, 1602, 1636, 1722 and 1955; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 43** -- Capitol - Requires state capitol commission to develop and implement policy on additions and improvements to Bicentennial Mall. by *Henry.

Senate Bill No. 77 -- Sunset Laws - Deletes from sunset provisions vocational training centers, board of directors. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11. by *Springer.

Senate Bill No. 79 -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Springer.

Senate Bill No. 84 -- Sunset Laws - Post-conviction defender commission, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 30. by *Springer.

Senate Bill No. 95 -- Sunset Laws - Enterprise zone management board, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 28. by *Springer.

***Senate Bill No. 559** -- Motor Vehicle Commission - Increases from four to six consumer members of motor vehicle commission. Amends TCA Title 55, Chapter 17. by *Koella.

***Senate Bill No. 706** -- Alcoholic Beverages - Permits sale of beer in 22, 25.4 and 40 ounce containers. Amends TCA Section 57-6-104(i). by *Cohen.

***Senate Bill No. 1467** -- Municipal Government - Revises Public Building Authorities Act of 1971. Amends TCA Title 12, Chapter 10. by *Koella.

***Senate Bill No. 1602** -- Tennessee Regulatory Authority - Changes designation from "directors of Tennessee regulatory authority" to "commissioners"; changes designation of "executive secretary" to "executive director." Amends TCA Title 65, Chapter 2, Part 1. by *Gilbert, *Atchley, *Crutchfield, *Eisea, *Haynes.

THURSDAY, APRIL 3, 1997 -- TWENTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 1636** -- Alcoholic Beverages - Permits home manufacture of beer for personal consumption. Amends TCA Title 39, Chapter 17, Part 7. by *Cohen.

***Senate Bill No. 1722** -- Municipal Government - Authorizes Mount Juliet to impose \$10.00 court cost on traffic and criminal violations for traffic regulation subject to local approval Amends TCA Title 6, Chapter 2. by *Rochelle.

Senate Bill No. 1955 -- Baxter - Subject to local approval, restricts board's power to override mayor's veto to ten days after adoption of ordinance; permits three aldermen to call special meeting Amends Chapter 35 of the Private Acts of 1915; as amended. by *Burks.

MESSAGE FROM THE GOVERNOR

April 3, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 717, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

April 3, 1997

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 31, 406, 518, 1253, 1372 and 1512.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 3, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 285, 344, 681, 825, 826, 1142, 1254 and 1261; also, House Joint Resolution(s) No(s). 32.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 3, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 383, 830, 892, 1268, 1280, 1421 and 1425, also, House Joint Resolution(s) No(s). 150, 153, 156 and 159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

April 3, 1997

The following local bills have been placed on the Consent Calendar for **March 7, 1997**: House Bill(s) No(s). 1955, 1956, 1957 and 1959.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, April 7, 1997.